

MDL No. 1456

Master File No. 01-12257-PBS

Subcategory Case. No. 06-11337

Hon. Patti B. Saris

**STIPULATION OF DISMISSAL WITH PREJUDICE AS TO
DEY DRUGS RELEASED UNDER THE SETTLEMENT AGREEMENT**

IT IS HEREBY STIPULATED AND AGREED by and between the State of California ("State"), acting by and through its Attorney General, Edmund G. Brown Jr., the relator Ven-A-Care of the Florida Keys, Inc. ("Relator") (collectively referred to as "Plaintiffs"), and Dey Pharma, L.P. and Dey, Inc. (the State, the Relator and Dey Pharma, L.P. and Dey, Inc. shall be collectively referred to as the "Parties") that:

1. On or about August 24, 2005, the State filed its First Amended Complaint in Intervention for Money Damages and Civil Penalties for Violations of the California False Claims Act against Dey, Inc. and Dey Pharma, L.P. (formerly known as Dey, L.P.) in the United States District Court for the District of Massachusetts in the case entitled *In re Pharmaceutical Average Wholesale Price Litigation: State of California, ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., et al.* (Master File No. 01-12257-PBS, Subcategory Case. No. 06-11337; Original Central District of California No. 03-CV-2238) (the “Litigation”).

2. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of the Settlement Agreement and Release between the Parties, the Parties hereby stipulate to entry of an Order dismissing with prejudice all claims asserted or that could have been asserted against Dey, Inc. and Dey Pharma, L.P. in the Litigation, as to the drugs set forth in Appendix A to the Settlement Agreement and Release.

The undersigned parties respectfully request the Court to enter an Order in the form attached hereto as Exhibit A.

DATED: December 23, 2010

Respectfully submitted,

STATE OF CALIFORNIA, OFFICE OF THE
ATTORNEY GENERAL

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